

RESOLUTION NO. 2024-029

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION NO. 2022-044; APPROVING THE SECOND MODIFICATION TO THE AGREEMENT BETWEEN THE TOWN OF SOUTHWEST RANCHES AND EMIL C. LOPEZ, CPM, MACC, TOWN FINANCIAL ADMINISTRATOR; AMENDING THE AGREEMENT TO INCREASE EMIL C. LOPEZ' ANNUAL SALARY TO ONE HUNDRED AND FIFTY FIVE THOUSAND DOLLARS AND NO CENTS (\$155,000.00) ANNUALLY, COMMENCING JANUARY 1, 2024; APPROVING A BUDGET AMENDMENT TO THE FISCAL YEAR 2023-2024 TOWN BUDGET; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 14, 2022, pursuant to Resolution No. 2022-044, the Town Council approved an agreement with Emil C. Lopez, CPM, MACC for the position of Town Financial Administrator, to fulfill the responsibilities of the office as specified by the Town Charter, and as directed by the Town Council; and

WHEREAS, at a public meeting held on January 26, 2023, the Town Council approved the First Modification to the Agreement and increased Emil C. Lopez', CPM, MACC salary to One Hundred Thirty Nine Thousand Seven Hundred and Fifty Dollars (\$139,750.00) annually; and

WHEREAS, the Town Council desires to amend the Agreement again to increase Emil C. Lopez CPM, MACC's annual salary from One Hundred and Thirty Nine Thousand Seven Hundred and Fifty Dollars and No Cents (\$139,000.00) to One Hundred and Fifty Five Thousand Dollars and No Cents (\$155,000.00) annually commencing January 1, 2024, and to amend the Town's budget to reflect same;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

SECTION 1. ADOPTION OF RECITALS. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. The Town Council hereby approves the Second Modification to the Agreement with Emil C. Lopez, CPM, MACC, as specifically delineated in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 3. The Town Council hereby authorizes the Mayor, Town Administrator, and Town Attorney to enter into the Second Modification to the Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary to effectuate the intent of this Resolution.

SECTION 4. The Town Council hereby approves the following budget amendment to reflect the new salary: 001-3900-519-99100 \$9,660.00 (Contingency Budgeted Amount).

SECTION 5. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Southwest Ranches, This 11th day of January, 2024 on a motion by CM JABLONSKI, seconded by VM KUCZENSKI.

Breitkreuz	<u>YES</u>
Kuczenski	<u>YES</u>
Allbritton	<u>YES</u>
Hartmann	<u>YES</u>
Jablonski	<u>YES</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>



Steve Breitkreuz, Mayor

Attest:



Debra Ruesga, Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, Town Attorney
1001.2024.0

EXHIBIT "A"

**SECOND MODIFICATION TO THE AGREEMENT BY AND BETWEEN THE TOWN OF
SOUTHWEST RANCHES, FLORIDA AND EMIL C. LOPEZ, CPM, MACC,
TOWN FINANCIAL ADMINISTRATOR**

THIS SECOND MODIFICATION TO THE AGREEMENT entered into as of the 25th day of January, 2024 between the Town of Southwest Ranches, a municipal corporation of the State of Florida (the "Town") and Emil C. Lopez, CPM, MACC, an individual, ("Financial Administrator"), for the purpose of amending the Agreement between the Town and Financial Administrator dated April 14, 2022 (the "Original Agreement").

WITNESSETH:

WHEREAS, on April 14, 2022, pursuant to Resolution No. 2022-044, the Town Council approved an agreement with Emil C. Lopez, CPM, MACC for the position of Town Financial Administrator, to fulfill the responsibilities of the office as specified by the Town Charter, and as directed by the Town Council; and

WHEREAS, at a public meeting held on January 26, 2023, the Town Council approved the First Modification to the Agreement and increased Emil C. Lopez', CPM, MACC salary to One Hundred Thirty Nine Thousand Seven Hundred and Fifty Dollars (\$139,750.00) annually; and

WHEREAS, the parties desire to amend the Agreement again to increase Emil C. Lopez CPM, MACC's annual salary from One Hundred and Thirty Nine Thousand Seven Hundred and Fifty Dollars and No Cents (\$139,000.00) to One Hundred and Fifty Five Thousand Dollars and No Cents (\$155,000.00) annually commencing January 1, 2024;

WHEREAS, this Second Modification to the Agreement seeks to effectuate the agreement of both parties as specifically described herein.

NOW, THEREFORE, for and in consideration of the sum set forth and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, it is agreed as follows:

1. The foregoing recitals are true and correct.
2. Section 3 "Salary", shall be amended to read as follows:

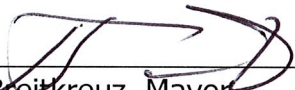
Town agrees to pay Financial Administrator for his services rendered hereto based on an annual salary One Hundred Fifty-Five Thousand Dollars and No Cents (\$155,000.00) annually, payable in accordance with the Town's employee

regular payment schedule. Town may, at its own option, increase the base salary and/or benefits of the Financial Administrator in such amounts and to such extent as the Council may determine that is desirable to do so based upon the Financial Administrator's Annual Performance Review, set forth in Section 16 of this Agreement, upon a super majority vote of the Town Council. In addition to reviewing the Financial Administrator's performance, the Council may also consider adjustments to the Financial Administrator's salary based on the cost-of-living index by a simple majority vote of the Town Council. In the event the Town Council chooses to reduce Financial Administrator's salary below the starting salary level, and in the event Financial Administrator does not agree to such reduction, said reduction shall be considered a termination by the Town as specified in Section 4(A) below.


3. All other terms and conditions not modified herein shall remain of full force and effect and binding upon the parties.

IN WITNESS WHEREOF, this Second Modification is accepted and executed as of this 11th day of January, 2024.

TOWN OF SOUTHWEST RANCHES



Steve Breitkreuz, Mayor



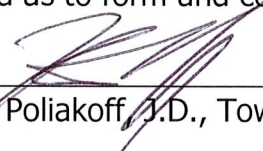
Emil C. Lopez, CPM, MAcc, Town Financial Director

Attest:



Debra Ruesga, Town Clerk

Approved as to form and correctness:



Keith M. Poliakoff, J.D., Town Attorney
1001.2024.0